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Attorneys for Plaintiff, BLACK CARD LLC

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF WYOMING**

BLACK CARD LLC, a Wyoming Limited  
Liability Company,

Plaintiff,

v.

AMERICAN EXPRESS MARKETING &  
DEVELOPMENT CORP. a Delaware corporation;  
AMERICAN EXPRESS TRAVEL RELATED  
SERVICES COMPANY, INC. a New York  
corporation; and DOES 1 through 10, inclusive,

Defendants.

Case No. 10cv0025-D

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**DECLARATION OF NATALIE M. GOWIN IN SUPPORT OF  
PLAINTIFF BLACK CARD LLC'S  
MOTION FOR PARTIAL SUMMARY JUDGMENT**

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I, Natalie M. Gowin, declare as follows:

1. I am an attorney with Rutan & Tucker, LLP, counsel for plaintiff Black Card LLC ("BC LLC") in the above-captioned matter. I am admitted to practice in the State of California and various United States District Courts. I am admitted to practice before this Court, pro hac vice. I make this Declaration in support of BC LLC's Motion for Partial Summary Judgment. I make this Declaration based on my own personal knowledge, and if called upon as a witness, I could and would competently testify thereto.

2. On September 7, 2010, I visited American Express' website, available at [[https://home.americanexpress.com/home/mt\\_personal.shtml](https://home.americanexpress.com/home/mt_personal.shtml)]. Using the search function available on that webpage, I searched the site for the terms "black card" and "blackcard". The only results my searches returned related to "black market" and "blackguard." Attached as Exhibit 16 are true and correct copies of the search results I obtained.

3. On September 3, 2010, I visited the American Express website that identifies American Express' trademarks and service marks, which website is available at [<http://www212.americanexpress.com/dsmlive/dsm/dom/us/en/legaldisclosures/americanexpress/rademarksandservicemarks.do?vnextoid=b6bc634b7e7af110VgnVCM100000defaad94RCRD&>

intsearchct=3|e7dd78937d5c3c07677017b8022cee70]. Attached as Exhibit 17 is a true and correct copy of the list of American Express' trademarks and services marks I printed off American Express' website.

4. On September 9, 2010, I visited the Yahoo! Finance website for American Express Company, available at [<http://finance.yahoo.com/q?s=AXP>]. Attached as Exhibit 18 is a true and correct copy of the print-out from the Yahoo! Finance website I visited.

5. On September 3, 2010, I visited the homepage for American Express' Plum Card, available at [<http://www201.americanexpress.com/business-credit-cards/business-card-details/american-express-plum-card/>]. Attached as Exhibit 19 is a true and correct copy of the print-out from the American Express Plum Card home page I visited.

6. On September 3, 2010, I visited the homepage for American Express' Platinum Card at [<https://www217.americanexpress.com/cards/npz.do?pmccode=137#CARDS/137/0/0/-1>]. Attached as Exhibit 20 is a true and correct copy of the print-out from the American Express Platinum Card home page I visited.

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7. On September 3, 2010, I visited the homepage for American Express' Zync Card at [<https://www217.americanexpress.com/cards/npz.do?pmccode=758#CARDS/758/0/0/-1>]. Attached as Exhibit 21 is a true and correct copy of the print-out from the American Express Zync Card home page I visited.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 14th, 2010 at Costa Mesa, California.

A handwritten signature in black ink, appearing to read "Natalie M. Gowin", written over a horizontal line.

Natalie M. Gowin